



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Correction to Hazardous Waste Rules at 329 IAC 3.1-1-7

LSA Document #12-506

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Description

Amends 329 IAC 3.1-1-7 to correct a citation to the federal hazardous waste rules. 329 IAC 3.1-1-7 makes an incorrect citation to 75 FR 75687 through 75 FR 75688, whereas the correct citation is 75 FR 57687 through 57688.

Citations Affected

329 IAC 3.1-1-7; 329 IAC 3.1-5-2; 329 IAC 3.1-6-2; 327 IAC 3.1-12-2.

Affected Persons

Hazardous waste generators and other persons regulated under 329 IAC 3.1.

Reason(s) for the Rule

IDEM was notified of this incorrect citation and initiated this rulemaking to correct the citation.

Economic Impact of the Rule

This rulemaking will not have economic impact.

Benefits of the Rule

These changes will correct a mistake in Indiana's hazardous waste rules and reduce confusion in the future if any person references Indiana's hazardous waste rules.

Description of the Rulemaking Project

This rule makes changes to the rules for hazardous waste management in 329 IAC 3.1 by correcting the citation to 75 FR 75687 through 75 FR 75688, which should be a citation to 75 FR 57687 through 75 FR 57688.

Public Notices

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8 and Draft Rule: September 5, 2012, Indiana Register (DIN: 20120905-IR-329120506FDA).

Notice of Public Hearing: September 5, 2012, Indiana Register (DIN: 20120905-IR-329120506PHA)

Scheduled Hearings

First Public Hearing: November 20, 2012, Indiana Register (DIN: 20120905-IR-329120506PHA)

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.



- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- 7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
 - (A) human, plant animal, or aquatic life; or
 - (B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

This rule is consistent with the federal regulations for hazardous waste management in 40 CFR 260 through 40 CFR 261.

Rulemaking Process

IC 13-14-9-8 recognizes that, under certain circumstances, it may be appropriate to reduce the number of public comment periods and public hearings usually provided for under the IC 13-14-9 environmental rulemaking process. In cases where the commissioner determines that there is no reasonably anticipated benefit from a second public comment period and first public hearing to either the environment or persons regulated or otherwise affected by the proposed rule, IDEM may forgo these comment periods and proceed directly to the public hearing and board meeting at which the draft rule is considered for adoption. Two opportunities for public comment (with an IC 13-14-9-8 notice published in the *Indiana Register* and at the public hearing prior to adoption of the rule) remain under this procedure. Once final adoption occurs, the rule is reviewed for form and legality by the Attorney General, signed by the Governor, and becomes effective 30 days after filing with Legislative Services.

Additional Information

Additional information regarding this rulemaking action can be obtained from Dan Watts, Rules Development Branch, Office of Legal Counsel, (317) 234-5345 or (800) 451-6027 (in Indiana).